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REMINISCENCES OF TEXAS AND TEXANS FIFTY
YEARS AGO.

W. D. WOOD.

When we look backwards into the long ago, and conjure from the recesses of memory the scenes and incidents of fifty years past, time plays at witchery, making real the shades and shadows that flit across our recollection, in the midst of which we seem again to live and move and have our being. The old soldier loves to tell of the incidents of his soldier life, and in the telling fights his battles over again. The old man is garrulous, and he delights to recall the men and the occurrences of his earlier days and set them moving, in his mind's eye, upon the stage of action, as if they were a part of the actual living present. As an old man, I propose to make a note of some of the things I saw and heard, and of some of the men I knew in Texas fifty years ago.

By no means do I intend to write my own biography. Suffice it to say, by way of introduction, that I am a native of North Carolina, reared mainly in the State of Indiana. This latter State I left when twenty-two years of age for Texas by way of Alabama, with no other fortune than a license to practice law issued by the supreme court of Indiana and the hope that animated thousands of others who came to Texas of bettering my condition in that then new State. Arriving in Alabama I found my means exhausted; so perforce I halted in that State and taught an old field school, in order to obtain means to complete my journey. From Alabama I walked to Texas, and arrived at Centerville, Leon county, on the 14th day of November, 1851. My brother, who was a printer, accompanied me. As we had no means, and meat and bread, clothes and shelter, were practical pressing necessities that could not be well ignored or put off, we concluded to start a newspaper at Centerville, if we could raise the money to buy the plant. We thought that the novelty of the thing, in what was then almost a wilderness, would attract attention and patronage and thus give us an occupation that would enable us to earn our daily bread. We

found a friend who thought he could take the chances, and he loaned us the money, and we ordered a Washington hand press and the necessary type for a small newspaper from New York. After many delays and mishaps, the plant was finally landed at Cairo on the bank of the Trinity river by the old steamboat, Jack Hays. In the spring of 1852 we got out the first issue of the paper. It was called the "*Leon Pioneer*." It was, indeed, a pioneer, for it was located in a section of the country that had never before been invaded by a newspaper. It was a great novelty and attracted attention and patronage. The people came from far and near to see it, and considering the paucity of population it was liberally patronized. We ran the paper for three and a half years, making out of it a support, and in addition money enough to pay off what we had borrowed. We sold the press and type to John Gregg and Morris Reagan (the latter a brother of Judge John H. Reagan) who moved them to Fairfield, Freestone county.

In 1851, there were but few newspapers in Texas. The writer remembers the *News* and the *Civilian* at Galveston, the *Advocate* at Palestine, the *Item* at Huntsville, the *Ranger* at Old Washington, papers whose names I have forgotten at Austin, LaGrange, and Nacogdoches,¹ and some two or three in the Red river section of the State. The *Pioneer* had the legal advertising of the counties of Houston, Leon, Madison, Brazos, Falls, Hill, Navarro, Robertson, and Freestone. The publication of the paper was surrounded with difficulties. Communication with the outside world came principally through the town of Huntsville, which at that time was considered the Athens of Texas. There was a weekly mail from Centreville to Huntsville—that is, the mail came over the line, on the back of a mule, once a week in dry weather. When the floods came and Bidias creeks became raging torrents, we were often from two to four weeks without a mail. In the language of old Tom Thurman, the mail carrier, all that was necessary to render the Bidias impassable was one or two lonesome thunders on the head

¹The paper at Austin referred to was probably the *State Gazette*, though there seems to have been another, the *Southwestern American*, which was published in the city at that time. The Nacogdoches paper was the *Times*, and that at LaGrange was the *Texas Monument*. See Gray's *History of the Texas Press* in *A Comprehensive History of Texas*, II 381, 387, 391, 392, and Mrs. Sinks's *Editors and Newspapers of Fayette County, QUARTERLY*, I 34-37—EDITOR QUARTERLY.

of these creeks. In the interval between mails, the editor of the *Pioneer* had to manufacture news out of his inner consciousness as best he could. Frequently paper had to be transported from Huntsville on horseback. Sometimes it could not be obtained at all, and to save legal advertisements the weekly issue was got out on common wrapping paper. These were some of the difficulties that attended the publication of a newspaper in Texas in the early fifties.

At this writing there are five newspapers in Leon county, and the iron horse goes scurrying through the county four or five times daily, harnessed to the United States mail car, distributing the news from every part of the world. The contrast between the present progressive Texas and that of fifty years ago is indeed wonderful. The same blue sky, the same serene moon and stars that shone fifty years ago are still above us, but all else, how changed! We seem now to breathe another atmosphere, to inhabit another world. Then was the time of laying the foundation on which the greatness of Texas was to be builded; now we witness the grand results of fifty years of progress and development.

In the early fifties, the principal staples in trade were land and land certificates. Surveying and the location of certificates was an important business; but land and land certificates were cheap and could at that time be had for what would now be considered a song. It was the impression at that early day that only the timbered portion of Texas was adapted to agriculture. The vast prairies of the State were considered valueless, except for grazing and raising of stock. Under this belief, east Texas, the timbered portion of the State, had been nearly all covered with certificates, and the prairie portion was of necessity the scene of operations of the land locator and the surveyor. The section of the State of which the city of Dallas may be considered the center, and which is now prized as the farmers' paradise, was believed to be worthless for farming. It is a fact that the settlers in that section, in the early fifties, came down to Freestone, Leon, and other timbered counties east of the Trinity for their supplies of corn, believing that they could not successfully raise it in the prairies. It was in that day laid down as a certainty that farming could not succeed west of the Brazos.

At the time of the revolution in 1836, the American population of Texas was very limited. Those entitled to headrights and bounty

and donation certificates for military service under the laws were too few for the vast number of certificates that were issued. To sift the genuine from the fraudulent, the government was compelled to establish what was known as the Traveling Board of Land Commissioners, to which board all land certificates had to be submitted for approval or rejection. This board rejected hundreds of certificates as fraudulent. That all of the fraudulent certificates were rejected by it is not probable. Doubtless many of these certificates were obtained by men who were not citizens of Texas at the time of the revolution, and who took no part in the struggle for independence, but who came to Texas after it was over in order to take advantage of the liberality the government of the Republic manifested towards her citizens and defenders in that crisis. Some of the fraudulent certificates perhaps may be attributed to the sentiment that prevailed among a few of the old settlers of Texas, who staked their lives and fortunes against the Mexicans and Indians, and who by perseverance and indomitable courage had finally won—that is to say, they felt that the land was theirs by the right of conquest, and that they were justified in taking it in preference to the men who came later and had borne no part in the war. An illustration of this feeling may be found in a conversation the writer had with an old Texan, who expressed himself on the subject as follows: "We old Texans fought for and won the country, the land by right is ours, and in taking it we but take what belongs to us." These men were poor in this world's goods; they had been harried by the Mexicans and Indians, had suffered all of the hardships and discomforts of the wilderness, and it is not strange that they should feel in the hour of triumph that all they had won should be theirs.

The same old Texan stated to the writer how in a certain eastern county, at an early day, land certificates were issued. The law required that the person in whose name the certificate was applied for should, if living, appear before the board of land commissioners in person and swear to the facts that would entitle him to a certificate; and also produce two witnesses before the board, who could on oath corroborate the deposition of the applicant. When the board was in the humor to make some certificates for its members or their friends they made three mud men, one of which was named for the applicant, the other two for his witnesses. To these dum-

mies the oath required by the law was administered, and the certificate would be issued. The same man told the writer that this board, by way of variety, issued a certificate for a third of a league of land to a celebrated stallion of the neighborhood that went by the name of Bordy Jolly. In this case the board had a live applicant, but as to whom the stallion produced as witnesses the informant did not state.

In 1864 a certain land man came from east of the Trinity to Centreville, for what purpose the writer does not know. He put up at the hotel, was taken sick, and died there. The landlord after his death looked into his saddle bags, and found a large bundle of land certificates, and brought them to the writer for examination. There were at least forty or fifty of them, on variously colored paper, purporting to grant leagues and thirds of leagues of land, signed by the boards of land commissioners of various counties, with signatures of the clerks and bearing the county seals. Of course these certificates were all fraudulent, and the incident is mentioned only to illustrate those rude and early times, and the loose methods that then prevailed.

The early settlers of Texas were generous and hospitable. They would share the last crust of bread or bushel of corn with a friend, neighbor, or stranger. They kept open house, and the latch string always hung on the outside of the door. They never turned away from the shelter of their roof or camp the stranger or the wayfarer. They paid their debts, observed their contracts, and illustrated the highest integrity. Perhaps some of them entertained loose ideas in relation to the acquisition of land; but this, as already stated, grew out of the feeling that they had fought for and won it, and that they committed no wrong in taking their own.

The writer's first retainer in a land suit, after his arrival in Texas, grew out of the generosity and hospitality of an old Texan towards a new comer and stranger. A man came from Tennessee with a wife and several small children and in the early spring stopped in the range of the old Texan's cattle. As soon as the latter heard of the arrival of the stranger, he hastened to see him, and informed him that he was welcome to gather as many of his cows with young calves as he might need to furnish his family with milk and butter; and that all he would charge him was to divide the milk of each cow with its calf, to which the new comer thankfully

agreed. In the fall, when the old Texan went to see about his cows, he found that more than half the calves had died, and that those still living were at the point of starvation. He felt outraged that his hospitality had been so abused, and demanded pay for the calves that had died. On the refusal of the newcomer to pay for them he instituted suit before a justice of the peace for damages, and employed the writer to prosecute it, which he did, obtaining judgment; at the cost, however, to himself of incurring the ill-will of the defendant, which it took years to remove.

The social and friendly feeling that existed among the early settlers of Texas was strong and peculiar. It was the natural product and outgrowth of hardships and dangers which these pioneers mutually shared that joined old Texans one to another with hooks of steel. This statement may be illustrated by the following story:

The burning of the Adjutant General's office, at Austin in 1855, with the military records of the Republic and State, created a great sensation. It soon became rumored that two citizens of a certain county, old Texans, were the guilty parties, and they were indicted by the grand jury of Travis county. The writer was informed that in due course capiases for the arrest of these parties were forwarded to the sheriff of the proper county, who was also an old Texan and friend of the accused. The sheriff after receiving the process summoned a posse, with directions to meet him at a certain place, on a certain night to aid him in the arrest of one of the parties. The sheriff and his posse made the descent on the home of the accused at the appointed time and searched his house, but found no one except his wife and children. It was told the writer long afterwards, by one who professed to know, that the sheriff in advance had sent notice of his intended visit to the man concerned and had suggested that he need not be at home unless he wished. The sheriff was a good man, and the writer doubts the truth of what his informant told him; but if it was true it simply illustrates the strong and peculiar ties of friendship that existed among old Texans, founded on common dangers and common hardships. Nothing came of the prosecution of these citizens. No one was punished for the destruction of the Adjutant General's office. In fact, it was never ascertained whether the destruction of the office was intentional or accidental.

In the early days of the Republic and State of Texas, Houston,

Rusk, Lamar, Hemphill, Wheeler, Lipscomb, Ochiltree, Henderson, Williamson, Roberts, Jones, Rivers, Gray, Reagan, Willie, Baylor, Jack, and a host of others were members of the bar, and actively pursued the profession of the law. These men became the leaders of the people of Texas. They illustrated in their lives and conduct the spirit and teachings of the law, and gave to the Republic and State a constitution and body of statutes unsurpassed by any on the American continent.

In the early days of the Republic and State, the judges and members of the bar had access to but few books. They had but few precedents, and but little regard for what they did have. They took the facts and tested them by the principles of equity, and in this way arrived at their conclusions. The decisions of the Texas courts of those early days stand out in bold relief among the great mass of decided cases for their simplicity, directness, and happy application of the elementary principles of right to the facts of the case. The decisions of Hemphill, Lipscomb, and Wheeler stand like monuments, illustrating that "the law is the perfection of right reason," when guided by the fundamental principles of justice. When shall we see their like again?

In the early fifties, the members of the bar followed the judge on his circuit from county to county. They traveled on horseback. Each had his saddle-bags (in which was stored his linen and generally a lunch), his blanket, lariat, tin cup, water gourd, and coffee-pot. All of these accoutrements were necessary. The country was thinly populated, and often in passing from one county seat to another no place of entertainment would be found, and camping out then became a necessity. When this happened, a spot affording water and grass was, if possible, selected for camp. Having chosen the place the travelers dismounted, unsaddled and staked their horses, kindled a fire, made and drank coffee, and ate their lunch. After eating and drinking, they sat around the camp fire, joked, told anecdotes, discussed the topics of the day, sang a song or two, and thus pleasantly whiled away the time till they grew sleepy, when they rolled themselves in their blankets, with saddle and saddle-bags for pillow, and with easy conscience passed into the land of dreams. These were the golden days of enjoyment and good fellowship. With every honest lawyer it was hail fellow well met. No envy or jealousy, no underbidding nor struggle for fees. Every

member of the profession knew personally, and was known personally by, nearly every man in his circuit of practice. There was no great crowd of lawyers, in those early days, and with the settling of land titles and other matters there was plenty for all to do.

In 1846 the first Legislature after annexation divided the State into eight judicial districts. The counties of Milam, Burleson, Washington, Brazos, Robertson, Limestone, Navarro, Freestone, and Leon constituted the Eighth District, of which R. E. B. Baylor was judge. In 1852 or 1853 the Legislature made a new district called the Thirteenth, including all of the counties of the old Eighth District north and east of the Brazos river, as well as the new counties of Falls and Hill. Later another county, Madison, was formed out of the territory of Leon, Walker, and Grimes and added to the Thirteenth District. Henry J. Jewett was the first judge of this district. The writer having arrived in Leon county in 1851, had an opportunity of becoming acquainted with the judges of these two districts, and many of the members of the bar who resided in them, or being non-residents practiced there. Of the resident lawyers of the Eighth and Thirteenth Districts he remembers the following, who were in practice in the early fifties: Asa M. Willie, of Washington county; H. J. Jewett, R. S. Gould, John W. Durant, T. W. Blake, Thos. V. Mortimer, James Gregg, A. H. Weir, William Holman, and Aaron Kitchel, of Leon county; F. L. Barziza, of Robertson county; Charley Stewart, Thomas Harrison, and T. P. Aycock, of Falls county; D. M. Prendergast and Joseph Lynn, of Limestone county; R. Q. Mills, C. M. Winkler, William Craft, and A. Beaton, of Navarro county; John Gregg, W. L. Moody, James Walker, and John Whitt, of Freestone county. Of non-resident and visiting lawyers he remembers the following: Henderson Yoakum, W. A. Leigh, A. M. Branch, and A. P. Wiley, of Walker county; John H. Reagan, Reuben Reeves, and A. T. Rainey, of Anderson county; W. B. Ochiltree, of Nacogdoches county; and Richard Coke, of McLennan county.